

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KAREEM GLASS,	:
Plaintiff	:
v.	: Case No. 3:14-cv-61-KRG-KAP
GERALD ROZUM, WARDEN, S.C.I.	:
SOMERSET, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 29, 2014, docket no. 36, recommending that the defendants' motions to dismiss at docket no. 19 and docket no. 31 be granted and the complaint dismissed.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections at docket no. 39.

The Magistrate Judge at docket no. 4 previously recommended the dismissal of the complaint as to defendant Rozum and at docket no. 36 at 1 pointed out that defendant Kaufman had not been served. The complaint was likewise not served on defendant Swanhart, who also is no longer employed by the Pennsylvania Department of Corrections. See docket no. 10. Plaintiff did not amend his complaint as to defendant Rozum or

provide adequate directions for service on defendants Kaufman and Swanhart.

After de novo review of the record of this matter, the Report and Recommendation, and plaintiff's timely objections thereto, the following order is entered:

AND NOW, this 9<sup>th</sup> day of December, 2014, it is

ORDERED that the defendants' motions to dismiss at docket no. 19 and docket no. 31 are granted, and the complaint is dismissed as to defendants Mahmud, Thomas, Ellers, and Puskar. The Report and Recommendation at docket no. 36 is adopted as the opinion of the Court. The complaint is dismissed as to defendants Rozum, Kaufman, and Swanhart as well. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a large initial "K".

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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